



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: September 29, 2015
Applicant: International Christian Center
Case No: PCC-14-079
Address: 1226-1228 Third Ave. Chula Vista, CA (APN 619-211-39-00)
Project Planner: Richard Zumwalt, AICP

Notice is hereby given that on September 29, 2015 the Zoning Administrator considered an application requesting approval of a Conditional Use Permit (CUP) to convert an existing commercial building into an outreach center for counseling, meetings and offices (Project), for the International Christian Center Assembly of God (Applicant/Property Owner), located at 1226-1228 Third Avenue (Project Site). The Project Site is an 11,950 square foot lot that is zoned Central Commercial (CC) and has a General Plan designation of Mixed Use Residential (MUR).

The Project is the conversion of the existing 2-story, 10,440 square foot commercial building into an outreach center annex for counseling, meetings and offices for the church, located on the adjacent property to the south of the project site, which is not a part of this Conditional Use Permit application. The Project includes modification of the existing parking lot to provide a new trash enclosure, re-paving and striping of the parking lot to provide 18 parking spaces, and new landscaping.

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of conversion of the interior of the building from a commercial use to an institutional use by a church, which constitutes negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code, has been able to make the findings for approval of this Conditional Use Permit as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

This finding is met because the approval of this Project will enable the Applicant to provide an outreach center annex that will enable the church to provide an increased level of services to the community, including counseling, outreach ministry, youth meetings, and services to the homeless. Church services will continue to be provided in the existing church sanctuary located south of the Project site. In addition, the Project will enhance the building and site to make it more appealing to the surrounding neighborhood and businesses. The location is centrally

located to provide convenient access for residents of western Chula Vista. These are desirable services that will benefit the community.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The Project is located in a building previously used for commercial uses that will be converted to outreach center with a total of 18 on-site parking spaces. Church activities will include special outreach events with a maximum capacity of 60 persons, which requires 17 parking spaces, thus adequate off-street parking will be provided. Church activities will be conducted indoors, which will minimize the potential for noise and other operational impacts to surrounding areas. The site landscaping will be upgraded to enhance the building entry and parking lot. The use and the internal remodeling of the building will be subject to conditions of approval, including obtaining approval of a building permit to bring the building into compliance the building code. The building was reviewed for compliance with the City's Historic Preservation Program, and was determined to be eligible as a historical resource due to its affiliation with Earl Clark, who made a significant contribution to the community as the winner of the 1958 Mr. Universe contest and as a local businessman. The Applicant/Owner has obtained approval of a Certificate of Appropriateness (COA-15-001) to do minor alterations to the existing structure, while preserving the architectural integrity of the building. The community will benefit from the preservation, adaptive re-use, and on-going maintenance of this historical building. The benefits of the Historical Preservation Program include encouraging education regarding the community's significant historical events, people, and architecture, the preservation of the existing charm and character of the community, and the fostering of civic pride. Thus, the Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. The Project requires approval of a building permit, which will be subject to compliance with the California Building, Electrical, Mechanical, Fire and other applicable codes. Any potential public safety issues will be addressed during the building permit review process. These conditions will be enforced through inspections prior to issuance of permits and occupancy of the use. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the Project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the CVMC Title 19 (Zoning Code) for uses established under PCC-14-079.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

This finding is met because the Project, as approved by this Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The Project Site is zoned Central Commercial (CC) and has a General Plan designation of Mixed Use Residential (MUR), which allows mixed residential and commercial uses, including the establishment of churches and associated activities through issuance of Conditional Use Permits. The outreach center annex is an accessory use to the church, which is considered an Unclassified Use that is permitted in any zone upon approval of a conditional use permit, including the CC (Central Commercial) zone. The proposed Project has also been conditioned to minimize potential adverse impacts to the site and surrounding area.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-079, as described above subject to the following conditions of approval:

- A. The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit:

Planning Division:

1. The Project Site shall be improved and maintained in accordance with the approved PCC-14-079 site plan, floor plan and concept landscape plan approved September 29, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19)
2. The Property Owner or authorized representative/Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the authorized representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative/Applicant

Date

3. Applicant shall obtain approval of a sign permit from the City for construction or modification of any proposed signs.
4. The Applicant shall submit a revised site plan with the building permit application that reflects the 5 foot wide irrevocable offer to dedicate public right-of-way on-site along Third Avenue, and revised public improvements, to the satisfaction of the Land Development/Services Department.
5. The Building Permit shall show that all HVAC /Condenser units have been removed from the sides of the building and mounted on the roof. Any electrical lines mounted on the side of the building shall be enclosed in housing that has been painted to match the building.

Landscape Architecture Division

6. The Applicant shall install landscaping and irrigation as per the approved Conceptual Landscape Plan.

Building Division:

7. The Applicant shall obtain approval of building permit applications for the tenant improvement for the outreach center annex. The building permit(s) shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC), 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.
8. The Architect of record shall clearly specify on the building plans the occupancy classification of the existing use and that of the proposed use, and the type of construction of the building on the building plans.
9. The Architect of record shall include on the building plans an allowable area analysis to determine if the proposed occupancy classification would be allowed by code, considering this is a non-sprinklered building.
10. If required by the City Building Official, a complete lateral/seismic analysis may have to be performed and submitted with the building permit to upgrade the building to current codes.
11. The Architect of record shall clearly specify on the building plans the occupant load in each room/area and perform an analysis to determine the adequacy of the existing building. It appears that the dining area and reading area lack exits.

Fire Department:

12. The building permit application shall comply with applicable codes and requirements, including but not limited to: the current California edition of the Fire Code (CFC), Building Code (CBC), and Mechanical Code as adopted and amended by the State of California and the City of Chula Vista.

Land Development/Engineering:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, construction permit or improvement plans, or at the timeframe specified in the condition, as determined by the Land Development Division:

General Comments and Fees:

13. The following fees shall be paid by the Applicant, based on the Final Building Plans submitted. Fees are charged for the project only, in excess of current land use:
 - a. Sewer connection and capacity fees;
 - b. Traffic Signal Fees;
 - c. Public Facilities Development Impact Fees (PFDIF);
 - d. Western Transportation Development Impact Fees (WTDIF);
 - e. Other Engineering Fees as applicable per the Master Fee Schedule.
 14. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule shall be paid for the submittal of the following items, if required by the City;
 - a. Grading Plans;
 - b. Street Improvement Plans.
 15. Prior to the approval of any Building or Land Development Permit, the Owner/Applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.
- Access and Site Plan Comments:
16. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 12.12.120 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.

17. Provide a circulation analysis on the Building Permit Site Plan demonstrating:
 - a. Solid waste and delivery truck access route;
 - b. Location of visitor parking.
18. Revise typical street cross-sections in the Site Plan, to reflect existing and proposed conditions. Show the proposed public improvements and dimensions from centerline to curb, and from centerline to property line on the cross sections.
19. Temporary improvements (such as fence, asphalt ramps, signs, etc) located in street right of way, city easements or City owned Open Space Lots will require an encroachment permit.
20. The street or driveway within the complex shall be designated as private.

Sewer:

21. The Improvement plans shall clearly show the existing and proposed sanitary sewer lines and how the site will connect to the City's public sewage system. No sewer lines will be allowed to be located under existing or proposed buildings. Indicate whether sewer lines are private or public.
22. The Improvement plans shall demonstrate compliance with the current California Plumbing Code, minimum sewer grade (2%) from the farthest unit on the site to the sewer main in Third Avenue.
23. Sewer lateral and storm drain connections to existing public utilities shall be shown on the Improvement Plans. The Public Works Operations Section will need to inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
24. For the proposed private sewer facilities, manholes shall be used where 6" mains or larger are connected to public sewer.

Storm Water Management:

25. This Project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project. Prior to building permit or grading permit approval, documentation shall

be provided, to the satisfaction of the City Engineer, to demonstrate such compliance. A copy of the Storm Water Manual is available on the web at:

<http://www.chulavistaca.gov/Clean/StormWater/DevelopandConst.asp>

26. The Applicant is required to complete the applicable forms prior to approval of the building permit or improvement plan, and select and implement the appropriate BMP's for the project:
 - a. Forms 5500 and 5501, located at link below:
<http://www.chulavistaca.gov/clean/StormWater/documents/2011%20City%20of%20Chula%20Vista%20Development%20Storm%20Water%20Manual.pdf>
27. Site design shall include features to meet NPDES Municipal Permit Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
28. Where feasible, storm water runoff from parking areas and roofs shall be directed to landscaped areas before discharge to storm drainage systems.
29. The trash enclosure area(s) shall be covered with a solid roof or awning to avoid contamination of runoff. The site shall be graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area. The location of the trash enclosure area(s) shall be shown on the plans.
30. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any grading or building permits, whichever occurs first.
31. Curb, gutter, and sidewalks per SDRSD G-3 shall be installed along the project's frontage. Sidewalks shall be designed and constructed with proper transitions to existing conditions.
32. Prior to obtaining any building permit for the Project, if project's total on-site improvements exceed Engineering Threshold of (currently: \$53,070.00), per CVMC, Section 12.24.020, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment). A Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:

- a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
- b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
- c. Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk.

Private Onsite Improvements:

33. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
34. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

Mapping:

35. Per City of Chula Vista Standard Drawing CVD-ST02, Third Avenue is classified as a Class I Collector with a half-width right-of-way of 47 feet. The Applicant shall be required to dedicate the necessary right-of-way to meet the 47 foot half-width from centerline to property line along Third Avenue, prior to obtaining an Improvement Plan or Construction Permit for the Street Improvements, or a Building Permit for the site. The Applicant shall submit street dedication documents prepared by a Registered Civil Engineer or licensed Land Surveyor.
36. Prior to the Improvement Plan or building permit approval, the Applicant shall grant to the City of Chula Vista an 8-foot Landscape Buffer Area Easement along Third Avenue, per Chula Vista Design Standards CVD-ST-02.

Chula Vista Municipal Code Requirements:

37. Any private facilities (if applicable) within public right-of-way or City easement shall require an Encroachment Permit prior to Improvement Plan or building permit approval.

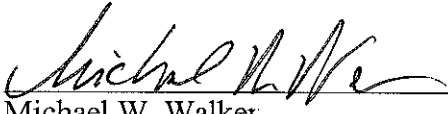
- B. On-Going Conditions of Approval. Upon certification by the Development Services Department for occupancy or establishment of the use allowed by this Conditional Use Permit, the Applicant shall remain in compliance with the following conditions as long as the Project relies upon this approval:

Planning Division:

38. The hours of operation of the outreach center annex shall be Monday through Sunday (seven days a week) 8 am to 5 pm and 6 pm to 8 pm.
39. The maximum capacity of the outreach center / annex shall be limited to 60 persons.
40. The use shall operate with a minimum of 17 parking spaces at all times.
41. All activities shall be conducted indoors, except for special events upon issuance of a Special Event Permit approved pursuant to CVMC 19.58.380.
42. Amplified sound for project-related activities shall be conducted indoors with all doors closed.
43. The Applicant shall operate the use in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
44. This Conditional Use Permit authorizes only the use specified in the application for PCC-14-079. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
45. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
46. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and if any of the conditions fail to be implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

47. The Property Owner and Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. The Property Owner and Applicant's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of the Property Owner and Applicant's successors and assigns.
48. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval.

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 29th day of September, 2015.



Michael W. Walker,
Zoning Administrator